



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,196	06/19/2001	Richard S. Blumberg	G0694/7002 (JRV)	5225

23628 7590 09/10/2002

WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

EXAMINER

DECLoux, AMY M

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 09/10/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,196

Applicant(s)

BLUMBERG, RICHARD S.

Examiner

Amy M. DeCloux

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18,40-48 and 57-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 10-18,40-48 and 57-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claims 10-18, 40-48 and 57-62 are pending.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 10-12, 16-18 and 57-58 drawn to a method for suppressing specifically the cytotoxicity or proliferation of killer T cells in a subject comprising administering an agent that selectively increases cross-linking of biliary glycoprotein polypeptides to suppress the activity of killer T cells in a subject, wherein said agent is an antibody, classified in class 424, subclass 139.1.
 - II. Claims 10, 13-18 and 59 drawn to a method for suppressing specifically the cytotoxicity or proliferation of killer T cells in a subject comprising administering an agent that selectively increases cross-linking of biliary glycoprotein polypeptides to suppress the activity of killer T cells in a subject, wherein said agent is a ligand for the biliary glycoprotein, (other than antibody) classified in class 424, subclass 184.1.
 - III. Claims 40-42, 46-48 and 60-61, drawn to a method for suppressing specifically the cytotoxicity or proliferation of killer T cells comprising contacting a population of killer T cells with an agent that selectively increases cross-linking of biliary glycoprotein polypeptides to suppress the activity of killer T cells, wherein said agent is an antibody, classified in class 435, subclass 7.2.
 - IV. Claims 40, 43-48 and 62 drawn to a method for suppressing specifically the cytotoxicity or proliferation of killer T cells comprising contacting a population of killer T cells with an agent that that selectively increases cross-linking of biliary glycoprotein polypeptides to suppress the activity of killer T cells, wherein said agent is a ligand for the biliary glycoprotein, (other than antibody), classified in class 435, subclass 7.8.

Note: Each claim will be examined only to the extent of the elected invention.

The inventions are distinct, each from the other because of the following reasons:

Groups I-IV are unique methods. Though the endpoints in all four groups are the same, Groups I-II encompass in vivo methods, while Groups III-IV encompass in vitro methods. Groups I and II differ with respect to the agent, as do Groups III and IV. Specifically, the agent in Groups I and III encompasses an antibody, while the agent in Groups II and IV encompasses a ligand other than an antibody. Because Groups I-IV differ with respect to ingredients and process steps, they are patentably distinct each from the other.

Art Unit: 1644

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and because a search in the non-patent literature of any of these distinct inventions would not be co-extensive with a search of the others, an examination and search of two or more inventions in a single application would constitute a serious undue burden on the Examiner, restriction for examination purposes as indicated is proper.

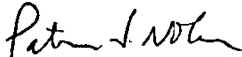
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy M. DeCloux whose telephone number is 703 306-5821. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 703 308-3973. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3014 for regular communications and 703 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0196.

Amy DeCloux, Ph.D.
Patent Examiner,
September 8, 2002


Patrick J. Nolan, Ph.D.
Primary Patent Examiner